

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MOTION GAMES, LLC

Plaintiff,

v.

NINTENDO CO., LTD; NINTENDO OF
AMERICA INC.; RETRO STUDIOS, INC.;
RENT-A-CENTER, INC.; and GAMESTOP
CORP.,

Defendants.

Case No. 6:12-cv-878-JDL

JURY TRIAL DEMANDED

**AMENDED ORDER AND COMMISSION FOR THE
TAKING OF DEPOSITIONS AT THE AMERICAN CONSULATE
GENERAL OSAKA-KOBE, JAPAN**

Before the Court is the joint administrative motion of Motion Games, LLC and Nintendo Co., LTD., seeking an order authorizing a consular officer of the Embassy of the United States of America in Osaka-Kobe, Japan, to conduct depositions of employees of Defendant Nintendo Co., Ltd. ("NCL" or "Defendant") Kuniaki Ito, Keizo Ota, Haruki Tojo, Emi Yamada, Akio Ikeda, and Genyo Takeda during the period of December 4, 2014 through December 17, 2014. After consideration of the motion, the Court is of the opinion that the joint administrative motion should be GRANTED.

IT IS ORDERED:

**To Any Consul or Vice Consul of the United States of America Assigned to the
United States Embassy – Osaka-Kobe, Japan:**

Pursuant to Article 17 of the United States – Japan Consular Convention, you have been duly appointed, and you are hereby authorized to take oral depositions at the **United States Embassy in Osaka-Kobe, Japan**, of the following witnesses who will

appear voluntarily and as stipulated by the parties and which depositions shall occur commencing on December 4, 2014 and continuing to December 17, 2014, if necessary: Kuniaki Ito, Keizo Ota, Haruki Tojo Emi Yamada, Akio Ikeda and Genyo Takeda, each of whom has a business address of 11-1 Kamitoba Hokotate-cho, Minami-ku Kyoto, 601-8501, Japan. The depositions shall occur during the regular business hours of the consulate, which currently are 9:00 a.m. to 5:00 p.m. each day, except for when the parties must vacate the deposition room between 12:30 p.m. and 1:30 p.m. The parties may mark any documentary exhibits in connection therewith. The deposition of Mr. Ikeda shall not exceed two consulate days, and the deposition of Mr. Takeda shall not exceed one consulate day.

Samuel Jared Taylor or Harumi Kondo Rudolph may be used as the lead interpreter.

Counsel for Defendant who may participate in said depositions are Brian Dwyer Roche, Barry John Coyne and Joseph Scott Presta. Counsel for Nintendo of America Inc., Kristopher Ryan Kiel and Richard Alan Medway may also participate in such depositions. The following additional individuals employed by Defendant may also attend: Tomoya Suzuki, Akito Oshizawa, Hiroki Takuma, Risako Matsuura, Yoichi Saito. Counsel for Defendant may also be assisted by certified interpreter Yoshiko Iga (or another interpreter if Ms. Iga is not available).

Counsel for Plaintiff Motion Games, LLC who may participate in said depositions are Joshua Mark Kalb, Patrick Michael Lafferty, Richard Scott Meyer, Michael Alfred O'Shea, and David Michael Underhill. Counsel for Plaintiff may also be assisted by

certified interpreters Brenda Kay Seat and Mina Seat (or another interpreter if not available.)

The proceedings may be reported and/or videotaped by Planet Depos - American Realtime Court Reporters or other qualified court reporters and videographers selected by counsel by Plaintiff, and who are located in Japan. Please cause the testimony of said witnesses to be reduced to writing and the depositions signed by said witnesses and annex said deposition testimony to your commission and close the same under your seal and make return thereof to this Court with all convenient speed.

So ORDERED and SIGNED this 13th day of November, 2014.

A handwritten signature in black ink, appearing to read "John D. Love", is written over a horizontal line.

JOHN D. LOVE, U. S. MAGISTRATE JUDGE